



STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

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April 17, 2006

The Honorable Jim Weiers
Speaker of the House
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Re: House Bill 2191: court settlements; JLBC; attorney general

Dear Speaker Weiers:

Today I vetoed House Bill 2191, which would have required JLBC approval of settlements entered into by the Attorney General in excess of \$50,000.00.

This bill constitutes an unwarranted encroachment by the legislature into the affairs and discretion of the Office of the Attorney General. The Attorney General is the state's chief legal officer. A.R.S. § 41-192(A). He alone is statutorily authorized to "compromise or settle any action or claim by or against this state or any department, board or agency thereof" provided that he obtain the approval of the department, board or agency or (in relevant cases) of the governor. A.R.S. § 41-192(B)(4). Requiring the Attorney General also to obtain JLBC approval would be cumbersome and would severely inhibit the Attorney General's ability to settle cases in a timely and efficient manner. It could result in the state missing opportunities to partake in settlements on the most beneficial terms.

The Attorney General is more qualified than the JLBC to determine the strength of the state's legal position in a given matter, and the appropriateness of settling a case at a given amount. Because he is elected by the people, he is directly accountable to the state's voters, who are free to exercise their rights at the polls to object in the event they disagree with any particular settlement the Attorney General enters into.

For these and other reasons, there is no need for JLBC approval of such legal settlements, and requiring such approval is not in the best interest of the state.

Yours very truly,

A handwritten signature of Janet Napolitano in dark ink, written over a horizontal line.

Janet Napolitano
Governor

JN:TN/jm

cc: The Honorable Ken Bennett
The Honorable Andy Biggs